

BYLAW NO: 04 -2016

**BEING A BYLAW OF THE TOWN OF IRRICANA IN THE PROVINCE OF ALBERTA
TO PROVIDE FOR FEES AND PENALTIES ON UTILITY ACCOUNTS
FOR THE SUPPLY OF UTILITIES BY THE TOWN.**

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended, authorizes a municipality to pass a bylaw respecting public utilities and services provided by the municipality.

AND WHEREAS it is expedient that instead of amending the Town of Irricana's Water Utility Bylaw, it is expedient that the Town enact a general public utility account bylaw respecting service fee charges to be collected for services rendered in connection with the supply of utilities by the Town, respecting penalties to be imposed in connection with unpaid public utility accounts.

NOW THEREFORE the Council of the Town of Irricana, in the Province of Alberta, duly assembled, enacts as follows:

PART I - TITLE

1. This Bylaw may be cited as the "Utilities Penalties Bylaw."

PART II - DEFINITIONS AND INTERPRETATIONS

2. In this bylaw:

- (a) "Application" means a written request made by a Consumer to the Town after the construction and installation of a Service Connection line for the supply of water to a Premise, and a written or verbal request to establish a Utility Billing Account in that Consumer's name;
- (b) "Authorized Person" means any employee of the Town authorized by the Town's administration, or any such person appointed by the CAO;
- (c) "Billing Period" means the period for which the Town assesses its Utility Services.
- (d) "Bi-Monthly System Charge" means a levy comprised of the following:
 - i) A bi-monthly Water Maintenance Fee, as determined by the Town, funds operational costs of the potable (treated) water distribution system and capital expenditures for rehabilitation of the existing system;
 - ii) A bi-monthly Administrative Fee, Accumulated Deficit and Operating Deficit Levy to Kneehill County for the delivery of water to the Town of Irricana, as assessed by the Town of Irricana;

- iii) A bi-monthly Sewer Maintenance Fee, as determined by the Town, funds operational costs of tertiary wastewater treatment and distribution systems and capital expenditures for rehabilitation of the existing system;
 - iv) A bi-monthly Garbage Fee, as determined by the Town, funds the collection and disposal of residential waste.
 - v) A bi-monthly Recycle Fee, as determined by the Town, funds the collection and processing of the recyclable items.
- (e) “c.c.” or “Service Curb Cock” means a Shut-Off valve located on the Service Connection between the Water Main and the structure or improvement receiving water service, for the purpose of isolating the Utility Service from a parcel of land;
- (f) “Chief Administrative Officer” or “CAO” means the Chief Administrative Officer for the Town of Irricana or his/her designate;
- (g) “Consumer” means the registered owner, purchaser, occupant or other person in charge of the land or building to which water is being supplied by the Town, and in whose name a Utility Billing Account has been established. “Consumer” also includes any Person who has entered into an agreement with the Town for Utility Services;
- (h) “Council” means the Council of the Town of Irricana;
- (i) “Disconnect Tag” means a tag hung on the door of a Premise notifying the registered owner that the Water Services will be shut - off or transferred to the associated Tax Roll Account, if full payment of the Outstanding Utility Bill is not received prior to the date stipulated in the Final Notice Letter.
- (j) “Due Date” means the date noted on the Utility Bill which payment is due by to avoid penalty
- (k) “Extended Period of Time” means the length of time a Consumer requests Water Services be Shut-Off, and which time is longer than fourteen (14) calendar days;
- (l) “Final Notice Letter” means the letter the Town sends to a Consumer whose Utility Bill remains unpaid as at the last business day of the month. For a Premise that is occupied by the registered owner:
- (a) That in the event any Outstanding Utility Bill is not paid by the date stipulated in the Final Notice Letter, the CAO is authorized to Shut-Off the Water Services to that Premise; and
 - (b) That any outstanding amount on the Outstanding Utility Bill may be collected in the same manner as municipal taxes, and in accordance with this Bylaw. If any outstanding amount is transferred to the tax roll.

For a Premise that is occupied by a Person who is not the registered owner:

- (a) That in the event any Outstanding Utility Bill is not paid by the date stipulated in the Final Notice Letter, any outstanding amount on the Outstanding Utility Bill may be collected in the same manner as municipal taxes, and in accordance with this Bylaw.
- (m) “Garbage Services” means the collection and disposal of residential waste by the Town’s designated contractor pursuant to the Town’s responsibility to comply with the environmental, regulatory, public health and permit requirements and guidelines;
- (n) “Meter” means a water measuring device approved by the Town that meets the American Water Works Association standard for potable water meters, and includes the individual, and all other equipment and instruments supplied and used by the Town to calculate and register the amount of water consumed relative to the land and buildings the meter is designed to monitor;
- (o) “Meter Room” means a self-contained unit that houses a Meter and metering equipment;
- (p) “Municipality” means the municipality of the Town of Irricana
- (q) “Outstanding Utility Bill” means any Utility Bill, or portion thereof, that is unpaid after the Due Date;
- (aa) “Person” means a partnership, firm, body corporate, individual, entity or other legal representatives of person to whom the context applies according to law;
- (bb) “Premise(s)” means any land, building, or both, or any part thereof, either occupied or unoccupied;
- (cc) “Recycle Services” means the collection and disposal of recyclable waste by the Town’s designated contractor pursuant to the Town’s responsibility to comply with the environmental, regulatory, public health and permit requirements and guidelines;
- (ff) “Remote Reader” or “Remote” means the device attached to the exterior of a building, or positioned on the interior of the building close to the meter, enabling the Town to read water consumption without entering the building;
- (gg) “Sanitary Sewer Services” means the Town’s system for the collection, transmission, treatment and disposal of wastewater;
- (hh) “Service Connection” means the portion of pipe used to supply water from the Water Main to a building, or other place, on a parcel of land for the purpose of providing water to the parcel, and includes the pipe running up to the building, located on or

within the exterior walls of the building, and running from exterior walls to couplings, stop-cocks, Meters and any other apparatus placed inside the building by the Town;

- (ii) “Service Point” means the portion of the Water System that provides Water Services to the Premise, which includes the service saddle, standpipe, and service tap;
- (jj) “Shut-Off” means an interference with, or discontinuance of, the supply of water to a Premise;
- (kk) “Street” means a public thoroughfare within the Town and includes, where the context so allows, the sidewalk and boulevards, and all parts set aside for a public thoroughfare, as appears in the Land Titles Office;
- (ll) “Town” means the Town of Irricana;
- (mm) “Turn-On” or “Turned-On” means the turning on of the Water Services to a Premise after the Utility Service Application has been Approved, or for the purpose of restoring service on an existing Utility Billing Account;
- (nn) “Utility Bill” means the invoice issued six (6) times per year, bi-monthly, which sets out a Consumer’s charges for a Consumer’s Utility Services, and which may include penalties and arrears, if applicable;
- (oo) “Utility Billing Account” means an account a Consumer sets up with the Town whereby a Consumer is charged maintenance charges and water usage for a stated period of time;
- (pp) “Utility Service(s)” means the water, sanitary sewer, storm, irrigation, garbage and recycle services provided by the Town;
- (qq) “Utility Service Termination” means a request made by a Consumer to discontinue a Utility Service being supplied by the Town;
- (rr) “Violation Tag” means a tag that is mailed to the Premise or hung on the door of the Premise notifying a Consumer that he/she is in violation of this Bylaw, and which requires the Consumer’s immediate attention;
- (ss) “Violation Ticket” means a ticket issued pursuant to Parts II and III of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended.
- (tt) “Water Main” means those pipes installed for the conveyance of water within the Town to which Service Connections may be connected;
- (uu) “Water Services” means the drinking water and wastewater services (including sewage treatment) to residential, commercial and industrial Premises provided by the Town;

- (vv) “Water Supply System” means the portion of the water supply delivery system that is between the c.c. and the Meter, including the c.c., water shut-off valve and Meter;
- (ww) “Water System” means the equipment, materials and property owned and operated by the Town for the provision of water to Consumers, and includes the Water Main and Service Connections, to and including the c.c., or if there is no c.c. then to the property line;
- (xx) “Working Day” means the portion of day between 8:30 a.m. and 4:30 p.m. from Monday to Friday, inclusive, but does not include statutory holidays and holidays approved by Council.

PART III - ADMINISTRATION

- 3. (a). Any property owner or owners requiring services must make application for those services at the Town Office.
- (b). A charge shall be made for the use of water supply and distribution system, sanitary sewage collection and disposal system, and for the provision of waste and recycle disposal services, pursuant to the Rates Bylaw as amended from time to time.
- (c). No utility account shall be set up for an occupant of a parcel of land who is not the owner for the use of the water supply and distribution system, sanitary sewer collection and disposal system, or for the provision of waste disposal and recycle services upon the final passing of this bylaw.
- (d). *The owner of a property may request a copy of the invoice be mailed to the tenant; however the property owner will receive the original invoice.*

Or

The registered owner of a Premise may submit a Utilities Rental Agreement regarding Forwarded Utility Bills, as set forth in Schedule “F” hereto, to the Town to have the Utility Bill forwarded to the renter or occupant of the Premise

- (e). The Rates hereby imposed shall be payable by the property owner on or before the date which will be set out on the notice mailed or delivered to the property owner each billing period. If a property owner is in default of payment of the said rates after the date named, the Town shall have the right to disconnect water supply to said property, or shall have the right to enforce payment of the said rates by transfer of the municipal services to the owner’s tax account.

PART IV PENALTIES

- 4. (a). Invoices shall be due on the last day of the month in which the billing is issued. If paying by mail, telephone banking, internet banking, or at a specified banking facility, allow ten (10) working days for payment to be processed.

(b). In the event that the charges remain unpaid after the date on which the bill was due and payable, there shall be added thereto by way of a penalty, an amount which shall be 2% of the then unpaid utility/service bill. The said penalty shall be added to and shall form part of the unpaid utility bill. Failure to receive a Utility Bill, either by mail (paper copy) or by e-mail cannot be accepted as a reason for non-payment or exemption of a late penalty and does not absolve the Consumer of the obligation to make inquiries of the Town as to amounts that may be outstanding to pay the Utility Bill.

(c). When any form of payment, tendered for payment of any of the fees, rates or charges referred to or imposed by this Bylaw, is dishonored for any reason, there shall be imposed an additional charge in the amount determined by the Rate Bylaw 1:2016, as amended or any bylaw substituted therefore.

(d). All payments on Utility Bills shall firstly be applied to any arrears outstanding, and any balance thereafter shall be applied to the current Utility Bill.

(e). If a utility account is not paid within 30 days after the due date, the Town Authorized individual is authorized and empowered to send the customer whose account is in arrears, a notice advising that if the notice is not paid within 10 days of the receipt of notice, the utilities will be disconnected, and the Town of Irricana is authorized at the expiration of the said 10 days to discontinue the utilities pursuant to the Notice.

(f). In the event full payment of the Outstanding Utility Bill is not received by the deadline set by the Town in its Final Notice Letter, and in the event the Consumer made arrangements with the Town for payment of the Outstanding Utility Bill and subsequently defaults on said payments, the balance of the arrears and penalties will be transferred to the property tax roll account without further notice. If any outstanding amount is transferred to the tax roll, a charge will be applicable without further notice, in accordance with Rate Bylaw. The amount transferred to the property tax roll account shall be an amount owing to the Town and is subject to collections under the tax recovery process.

(g). Once the Town technician arrives at the Premise, notwithstanding that payment arrangements may have been made, there will be a charge, in accordance with Rate Bylaw 1:2016, as amended or any bylaw substituted therefore, for the Town technician's services to Shut-Off the water, even if the Water Services are not required to be Shut-Off.

In the event the Water Services are Shut-Off for non-payment, a reconnection fee in accordance with Rate Bylaw 1:2016, as amended or any bylaw substituted therefore, shall be charged and shall be payable in advance of services being Turned-On.

(h). On notification that a Premise has been sold, the Town may elect to transfer the amount of the final Utility Bill, as at possession date, to the tax roll.

PART VI - REPEAL, FORCE AND EFFECT

Policy 2.03 is hereby repealed.

Bylaw 15:2003 is hereby repealed.

This Bylaw shall come into full force and effect when it receives third reading and is signed by the Mayor and Chief Administrative Officer.

READ a first time this 19th day of September, A.D. 2016.

READ a second time this this 19th day of September A.D. 2016.

READ a third and final time this this 19th day of September, A.D. 2016.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Utilities Rental Agreement Regarding Forwarded Utility Bills

Utility Account Number: _____

Municipal Address: _____

Legal Description: _____

Registered Owner’s Name, Mailing Address & Phone Number:

Renter’s Name & Phone Number:

I / We (as the case may be)

being the owner(s) of the property described above, hereby consent to the Town of Irricana forwarding utility account invoices and any notices to the above-named Renter(s) at the municipal address as set out above, subject to change from time to time upon written notice to the Town of Irricana. Notwithstanding the foregoing, I/we acknowledge and agree that the utility account shall at all times remain in my/our name(s) and shall be my/our responsibility to the Town of Irricana.

I/we agree to immediately notify the Town of Irricana of any changes to the above information.

I/we agree to allow my/our utility account arrears in respect of the property, including any fees, charges and penalties, not paid within the time specified by the Town, to be transferred to my/our tax roll account, and understand that such amounts may then be subject to additional penalties and will be collectable in the same manner as unpaid taxes.

This Agreement is effective the _____ day of _____, 20 ____ .

Signature of Registered Owner: _____

Signature of Registered Owner: _____